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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,573

Applicant(s)

WANG ET AL.

Examiner

Dominic D. Saltarelli

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/10/01, 4/15/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Line 14 reads "according said" and should be changed to --according to said--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard (5,801,747, listed on the IDS submitted April 15, 2005) in view of Smith et al. (EP 1 091 581 A2) [Smith].

Regarding claim 1, Bedard discloses a television system for suggesting scheduled television programs to a user (col. 3, lines 26-56) comprising:

means for receiving television program schedule data comprising broadcast time and characteristics of scheduled programs (an inherent feature of the Bedard disclosure, as the schedule data comprises broadcast times required for displaying the data displayed in figs. 4 and 5 and characteristic data used for populating the list shown in fig. 2, col. 4, lines 49-65);

means for receiving characteristics data for a television program being viewed by a user (col. 3, lines 33-38);

means for storing a table of characteristic weights for a user (fig. 2);

means for periodically incrementing characteristic weights in said table based on said characteristics data for said television program viewing viewed by said user (col. 3 line 63 – col. 4 line 26 and col. 5, lines 34-48);

a user interface means (col. 3, lines 4-15) for requesting a list of suggested television programs scheduled to be broadcast (col. 7, lines 19-27); and

processor means for generating said list of suggested television programs by sorting said schedule according to said characteristics of scheduled programs and said table of characteristics weights for said user (col. 7, lines 19-27).

Bedard fails to disclose selecting a future time period for displaying suggested television programs scheduled to be broadcast during said future time period.

In an analogous art, Smith teaches an electronic program guide wherein users are provided with the option to view future programming, allowing users to plan their viewing schedule in advance (paragraph 14).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard to include in the user interface a means for selecting a future time period, as taught by Smith, for the benefit of allowing users to plan their viewing schedule well ahead of time.

Regarding claim 5, Bedard and Smith disclose the system of claim 1, wherein said future time period is determined by a user selected start and stop time (the EPG has a default span of 2 hours, shown in fig. 1 of Smith, wherein the times are user selectable in that the user selects the start time [future time period] and the stop time is 2 hours after this start time, and this done by "advancing" the guide, paragraph 14).

Regarding claim 8, Bedard and Smith disclose the system of claim 1, including means to identify one of a plurality of users (col. 3, lines 49-52) and to store any mode selection of said user identified in a user profile (storage of locking or time restriction information for each user, col. 3, lines 52-55).

Regarding claim 9, Smith additionally discloses adding listed programs to a user plan to view list (paragraph 15), for the benefit of allowing users to store programming for viewing that is not yet available.

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system disclosed by Bedard and Smith to include adding listed programs to a user plan to view list, as taught by Smith, for the benefit of allowing users to store programming for viewing that is not yet available.

Art Unit: 2611

4. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard and Smith as applied to claim 1 above, and further in view of Hancock et al. (6,701,523) [Hancock].

Regarding claim 2, Bedard and Smith disclose the system of claim 1, but fail to disclose two alternate modes which are selectable using said user interface means wherein if a first mode is selected, programs having a plurality of characteristics wherein at least one of said plurality of characteristics has a zero weight in said table of characteristic weights for a user can be suggested and if the second of said modes is selected, programs having at least one characteristic which has a zero weight in said table are not suggested.

In an analogous art, Hancock teaches a program guide user interface (fig. 2) wherein two alternate modes are selectable using said user interface means (blocking and unblocking of programs based on ratings and content codes, col. 9 line 40 – col. 10 line 21), wherein if a first mode is selected (unblocked rating or content code), programs with a particular characteristic are allowed to be viewed (a viewer is allowed to view programs that include unblocked ratings or content codes), and if the second of said modes is selected (blocked rating or content code), programs having a particular characteristic are not allowed to be viewed (a viewer is not allowed to view programs that include blocked ratings or content codes), providing a dynamic form of control over what types of content are allowed to be watched by certain viewers (col. 9, lines 40-46).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard and Smith to include two alternate modes which are selectable using said user interface means wherein if a first mode is selected, programs having a plurality of characteristics wherein at least one of said plurality of characteristics has a zero weight (characteristics not ordinarily used in selecting programming, such as MPAA rating or content codes, are ignored by the program suggestion engine taught by Bedard, and are thus considered 'zero weight' characteristics, because they ordinarily have no weight in the selection process) in said table of characteristic weights for a user can be suggested (viewed) and if the second of said modes is selected, programs having at least one characteristic which has a zero weight in said table are not suggested (as they contain a 'zero weight' characteristic that has been blocked), as taught by Hancock, for the benefit of providing a dynamic form of control over what types of content are allowed to be watched by certain viewers, such as a parent restricting what types of programming are viewable by children.

Regarding claim 3, Bedard, Smith, and Hancock disclose the system of claim 2, wherein Bedard discloses the characteristics are categories and subcategories (which are equivalent to Topic and Theme in the format Topic_Theme, col. 4, lines 49-65) but fail to disclose wherein said first mode is selected, the average weights for categories (Topics) in a program are added in calculating a program weight.

Examiner takes official notice that it is notoriously well known in the art to utilize averages in filtering algorithms, as an average of several factors provides a simpler and more reliable gauge for selecting an item when dealing with a number of factors associated with each item.

It would have been obvious at the time to a person of ordinary skill in the art modify the system of Bedard, Smith, and Hancock to add up the average weights of each category (Topic) in calculating a program's weight, for the benefit of using a simpler and more reliable gauge for selecting programs, as averaging the subcategories of each category gives a more realistic deciding factor for the filtering algorithm when it adds the categories.

Regarding claim 4, Bedard, Smith, and Hancock disclose the system of claim 2, wherein said first of said modes is a default mode and said second of the two modes can be selected at the user interface (Hancock teaches the unblocked mode is the default, as the second mode, blocking, is something that must be first accessed by the Master/Administrator in order to select, col. 9, lines 40-58).

Regarding claim 6, Bedard, Smith, and Hancock disclose the system of claim 4, but fail to disclose including user interface means for saving a selected future time period as a default.

Examiner takes official notice that it is notoriously well known in the art to save default settings in programs manipulated by users, allowing users to save preferred settings for each subsequent use of the program.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard, Smith, and Hancock to include user interface means for saving a selected future time period as a default, for the benefit of allowing a user to save the preferred future time period for automatic use during subsequent uses of the system.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard and Smith as applied to claim 1 above, and further in view of Abecassis (5,610,653).

Regarding claim 7, Bedard and Smith disclose the system of claim 1, wherein said characteristics are Topic and Theme (Bedard, category is equivalent to topic and subcategory is equivalent to theme, col. 4, lines 49-65), and said characteristic weights are the sum of the number of time periods a program having a Topic_Theme is viewed by a user (Bedard, col. 3 line 63 – col. 4 line 14 and col. 4, lines 49-65).

Bedard and Smith fail to disclose said characteristics data for said television program being viewed by said user include relevancy data, and said characteristic weights are the sum of the number of time periods a program having a Topic_Theme is viewed by a user times relevancy of said Topic_Theme.

In an analogous art, Abecassis teaches a system that utilizes viewer content preferences to select content (col. 9, lines 8-19) wherein characteristics of programming include relevancy data (each category includes a coding scale relating the relevancy of that category to the programming content in question, shown in fig. 1a, col. 7, lines 52-60), providing the benefit of a more descriptive and accurate methodology for classifying content (col. 8, lines 1-34).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard and Smith to include relevancy data with said characteristics data, as taught by Abecassis, wherein the combination would thus result in said characteristic weights are the sum of the number of time periods a program having a Topic_Theme is viewed by a user times relevancy of said Topic_Theme, as the relevancy data added is expressly for the purpose of providing a preference filtering algorithm with information regarding how much of a particular characteristic is found with a particular program, providing the benefit of a more descriptive and accurate methodology for classifying and subsequently selecting content.

6. Claims 10-14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard in view of Smith and Hancock.

Regarding claims 10 and 19, Bedard discloses a method for sorting a television program schedule based on characteristics of television programs previously watched by said viewer (col. 3, lines 26-56) comprising the steps of:

receiving a schedule of television programs to be broadcast comprising scheduled broadcast time and characteristics of said programs (an inherent feature of the Bedard disclosure, as the schedule data comprises broadcast times required for displaying the data displayed in figs. 4 and 5 and characteristic data used for populating the list shown in fig. 2, col. 4, lines 49-65);

maintaining a user profile which comprises characteristics weights based on programs previously watched by said user (fig. 2); and

generating a list of suggested television programs based on characteristics of scheduled television programs and characteristics weights in said user profile (col. 7, lines 19-27).

Bedard fails to disclose allowing a user to select a future time period and optionally allowing said user to selected between a first mode wherein programs having a characteristic having a zero weight in said user profile can be suggested, and a second mode wherein programs having a characteristic having a zero weight in said user profile can not be suggested.

In an analogous art, Smith teaches and electronic program guide wherein users are provided with the option to view future programming, allowing users to plan their viewing schedule in advance (paragraph 14).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard to allow a user to select a future time period, as taught by Smith, for the benefit of allowing users to plan their viewing schedule well ahead of time.

Bedard and Smith fail to disclose optionally allowing said user to selected between a first mode wherein programs having a characteristic having a zero weight in said user profile can be suggested, and a second mode wherein programs having a characteristic having a zero weight in said user profile can not be suggested.

In an analogous art, Hancock teaches a program guide user interface (fig. 2) wherein two alternate modes are selectable using said user interface means (blocking and unblocking of programs based on ratings and content codes, col. 9 line 40 – col. 10 line 21), wherein if a first mode is selected (unblocked rating or content code), programs with a particular characteristic are allowed to be viewed (a viewer is allowed to view programs that include unblocked ratings or content codes), and if the second of said modes is selected (blocked rating or content code), programs having a particular characteristic are not allowed to be viewed (a viewer is not allowed to view programs that include blocked ratings or content codes), providing a dynamic form of control over what types of content are allowed to be watched by certain viewers (col. 9, lines 40-46).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Bedard and Smith to include two alternate modes which are selectable, wherein if a first mode is selected, programs having a characteristic having a zero weight in said user profile (characteristics not ordinarily used in selecting programming, such as MPAA rating or content codes, are ignored by the program suggestion engine taught by Bedard, and are thus

considered 'zero weight' characteristics, because they ordinarily have no weight in the selection process) can be suggested (viewed) and if the second of said modes is selected, programs having a characteristic having a zero weight in said user profile are not suggested (as they contain a 'zero weight' characteristic that has been blocked), as taught by Hancock, for the benefit of providing a dynamic form of control over what types of content are allowed to be watched by certain viewers, such as a parent restricting what types of programming are viewable by children.

Regarding claim 11, Bedard, Smith, and Hancock disclose the method of claim 10, wherein said user may select a start and stop time (the EPG has a default span of 2 hours, shown in fig. 1 of Smith, wherein the times are user selectable in that the user selects the start time [future time period] and the stop time is 2 hours after this start time, and this done by "advancing" the guide, paragraph 14).

Regarding claim 12, Bedard, Smith, and Hancock disclose the method of claim 10, but fail to disclose a user selected time period can be saved as a default.

Examiner takes official notice that it is notoriously well known in the art to save default settings in programs manipulated by users, allowing users to save preferred settings for each subsequent use of the program.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Bedard, Smith, and Hancock to include a user selected time period can be saved as a default, for the benefit of allowing a user to save the preferred future time period for automatic use during subsequent uses of the system.

Regarding claim 13, Bedard, Smith, and Hancock disclose the method of claim 10, wherein a list of up to a predetermined number of programs meeting any user selected time period and desired characteristic criteria is displayed in order of characteristic weights (Bedard, col. 7, lines 8-27).

Regarding claim 14, Bedard, Smith, and Hancock disclose the method of claim 10, but fail to disclose wherein upon sorting a list of suggested programs is displayed and a user may select a program from said list, whereupon said user is reminded of any selection from said list at or before the time said selected scheduled program is broadcasted.

Examiner takes official notice that reminder lists in electronic program guides are notoriously well known, said reminder lists most often populated with user input selection, the purpose of said lists to provider an alert, or "pop up" reminding a user that a desired program is about to start.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Bedard, Smith, and Hancock to include the

Art Unit: 2611

well known reminder list function, for the benefit of providing alerts to users to remind them of the availability of desired programming.

Regarding claim 20, Bedard, Smith, and Hancock disclose the method of claim 19, wherein said first of said modes is a default mode and said second of the two modes can be selected at the user interface (Hancock teaches the unblocked mode is the default, as the second mode, blocking, is something that must be first accessed by the Master/Administrator in order to select, col. 9, lines 40-58).

7. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bedard, Smith, and Hancock as applied to claim 10 above, and further in view of Abecassis.

Regarding claim 15, Bedard, Smith, and Hancock disclose the method of claim 10, wherein said characteristics comprise topic and themes (Bedard, category is equivalent to topic and subcategory is equivalent to theme, col. 4, lines 49-65), but fail to disclose topic-theme relevance factors.

In an analogous art, Abecassis teaches a system that utilizes viewer content preferences to select content (col. 9, lines 8-19) wherein characteristics of programming include relevancy data (each category includes a coding scale relating the relevancy of that category to the programming content in question,

Art Unit: 2611

shown in fig. 1a, col. 7, lines 52-60), providing the benefit of a more descriptive and accurate methodology for classifying content (col. 8, lines 1-34).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard and Smith to include relevancy data with said characteristics data, as taught by Abecassis, providing the benefit of a more descriptive and accurate methodology for classifying and subsequently selecting content.

Regarding claim 16, Bedard, Smith, and Hancock disclose the method of claim 10, wherein characteristic weights are based on time watched (Bedard, total number of viewing units, col. 4, lines 49-65), but fail to disclose relevancy factors on a scale of 1 to 10 of characteristics of programs watched by a user.

In an analogous art, Abecassis teaches a system that utilizes viewer content preferences to select content (col. 9, lines 8-19) wherein characteristics of programming include relevancy data (each category includes a coding scale relating the relevancy of that category to the programming content in question, shown in fig. 1a, col. 7, lines 52-60), providing the benefit of a more descriptive and accurate methodology for classifying content (col. 8, lines 1-34).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bedard and Smith to include relevancy data with said characteristics data, as taught by Abecassis, providing the benefit

of a more descriptive and accurate methodology for classifying and subsequently selecting content.

Bedard, Smith, Hancock, and Abecassis fail to disclose using a scale of 1 to 10.

Examiner takes official notice that it is notoriously well known in the art to use 1-10 scales, as a 1-10 scale is natural, easily recognized, and understood range for people to use.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Bedard, Smith, Hancock, and Abecassis to include using a scale of 1 to 10, for the benefit of using a scale that is natural, easily recognized, and understood range for people to use.

Regarding claim 17, Bedard, Smith, and Hancock disclose the method of claim 10, wherein said characteristic weights are stored in counters (as shown in fig. 2 of Bedard), but fail to disclose said characteristic weights are stored in counters which are incremented by a relevancy factor for each time period during which a user views a television program having a characteristic and a characteristic relevancy factor included in said program's broadcast information.

In an analogous art, Abecassis teaches a system that utilizes viewer content preferences to select content (col. 9, lines 8-19) wherein characteristics of programming include relevancy data (each category includes a coding scale relating the relevancy of that category to the programming content in question,

Art Unit: 2611

shown in fig. 1a, col. 7, lines 52-60), providing the benefit of a more descriptive and accurate methodology for classifying content (col. 8, lines 1-34).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Bedard, Smith, and Hancock to include relevancy data with said characteristics data, as taught by Abecassis, wherein the characteristic weights are incremented by a relevancy factor for each time period during which a user views a television program having a characteristic and a characteristic relevancy factor included in said program's broadcast information, as the relevancy data added is expressly for the purpose of providing a preference filtering algorithm with information regarding how much of a particular characteristic is found with a particular program, providing the benefit of a more descriptive and accurate methodology for classifying and subsequently selecting content.

Regarding claim 18, Bedard, Smith, Hancock, and Abecassis disclose the method of claim 17, wherein said time period is 5 minutes (Bedard, col. 4, lines 5-12) and said counter are incremented by said relevancy factor upon expiration of each said time period (Bedard, col. 4, lines 5-12 and 49-65).

Allowable Subject Matter

8. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Art Unit: 2611

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Art Unit: 2611


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS


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